

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**Case No. 3:06-CV-327**

**Case No. 3:03-CR-017**

**-vs-**

**CHARLES HARDEN**

**District Judge Thomas M. Rose**

**Magistrate Judge Sharon L. Ovington**

**Defendant.**

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**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS OF THE  
MAGISTRATE JUDGE ( CASE 3:06-CV-327, DOC. #130; CASE 3:03-CR-17,  
DOC.#133), OVERRULING DEFENDANT'S OBJECTIONS ( CASE 3: 06-CV-327,  
DOC. #131; CASE 3:03-CR-17, DOC. # 134), ORDERING DEFENDANT'S MOTION  
TO VACATE, SET ASIDE, OR CORRECT SENTENCE (CASE 3:06-CV-327, DOC.#  
127) BE DISMISSED, DENYING DEFENDANT'S MOTION FOR DISCOVERY  
(CASE 3:03-CR-17, DOC.# 132) AS MOOT, AND CERTIFYING THAT PURSUANT  
TO 18 U.S.C. 1915(a) THAT AN APPEAL OF THIS ORDER WOULD NOT BE  
TAKEN IN GOOD FAITH DENYING DEFENDANT'S LEAVE TO APPEAL *in forma*  
*pauperis*; TERMINATION ENTRY**

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This matter comes before the Court pursuant to Objections (Case 3:06-CV-327, Doc. #131; Case 3:03-CR-17, Doc. # 134) to the Report and Recommendations of Magistrate Judge Sharon Ovington (Case 3:06-CV-327, Doc. #130; Case 3:03-CR-17, Doc. # 133) recommending that Defendant's Motion to Vacate, Set Aside or Correct Sentence (Case 3:06-CV-327, Doc. # 127) be dismissed as well as Defendant's Motion for Discovery (Case C:03-CR-17 Doc. # 132).

The Court has reviewed the comprehensive findings of the Magistrate Judge and pursuant to 28 U.S.C. Section 636(b) and Fed. R. Civ. P. 72(b), this Court has made a de novo

review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections (Case 3:06-CV-327, Doc.# 131; C:03-CR-17: Doc.# 133) are not well-taken and are hereby OVERRULED.

The Court ADOPTS the Report and Recommendations (Case 3:06-CV-327, Doc. #130; 3:03-CR-17, Doc.#133) in it's entirety Ordering that Defendant's Motion to Vacate, Set Aside or Correct Sentence (Case 3:06-CV-327, Doc.#127) be DISMISSED, that Defendant's Motion for Discovery (Case 3:03-CR-17, Doc. # 132 ) be DENIED as moot, and CERTIFYING that an appeal of this order would not be taken in good faith and therefore DENYING Defendant's leave to appeal *in forma pauperis*.

This case is TERMINATED on the docket of this Court.

May 24, 2007

s/THOMAS M. ROSE

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE